



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

SEP 12 1985

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In Reply Refer to: 3HW16

Mr. Robert L. Brandt, Jr.  
P.O. Box 787  
Grafton, VA 23692

Re: Chisman Creek Site, York County, Virginia

Dear Mr. Brandt:

The United States Environmental Protection Agency (EPA) sent you a letter dated November 4, 1985, regarding the above referenced site. The letter indicated that EPA had documented the release or threatened release of hazardous substances from the site, and that EPA was considering spending public funds to control those releases pursuant to its authority under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq (CERCLA). The November 4, 1985 letter further indicated that you had been identified by EPA as a potentially responsible party and extended you the opportunity to undertake action necessary to control the release and/or threatened releases. EPA has recently completed a Remedial Investigation and Feasibility Study for the site, as defined herein, and is again extending you the opportunity to undertake action necessary to control the release and/or threatened release of hazardous substances at the site.

Under Sections 106(a) and 107(a) of CERCLA and other laws, responsible parties may be required to undertake response actions at a site if EPA determines that a release or threatened release of hazardous substances from the site may present an imminent and substantial endangerment to public health, welfare or the environment. Such parties may also be liable for costs incurred by the government in responding to any such release or threatened release at the site. These costs may include, but are not limited to, expenditures for investigation, planning, site cleanup and enforcement.

Responsible parties under CERCLA include current and past owners and operators of sites from which hazardous substances have been released or threaten to be released, as well as persons who generated the hazardous substances or were involved in the transport, treatment or disposal of them.

EPA has information which indicates that you were a partner in R. L. Brandt and Sons, formerly Presson and Brandt, and that R. L. Brandt and Sons disposed of fly ash at the Chisman Creek site from October 1957 to September 1974. In addition, EPA has information that fly ash was disposed of on property identified in the York County tax records as property number 210, section 24, and that you have ownership interest in

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said property. The presence of fly ash at the Chisman Creek site has resulted in and continues to result in the release and/or threatened release of hazardous substances into the air, soil, ground water, surface water and sediment at the site.

As previously noted, EPA has recently completed the following studies at the Chisman Creek site:

1. Remedial Investigation (RI) - An RI is an investigation which defines the nature and extent of air, soil, ground water, surface water and sediment contamination at a site. Furthermore, an RI describes local hydrogeological characteristics of a site and investigates a site's impact upon biotic receptors; and
2. Feasibility Study (FS) - An FS is a study to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at a site.

The FS identifies corrective measures necessary to protect public health, welfare, or the environment. Such measures may include but are not limited to:

1. Designing and implementing the EPA approved remedial alternative; and
2. Providing any monitoring and maintenance necessary after remedial measures are completed.

Once EPA determines the appropriate remedial alternative, EPA will offer you and other potentially responsible parties an opportunity to conduct the design, implementation, operation and maintenance of the EPA approved remedial alternative.

EPA has recently completed the final draft of the RI and FS reports, and, upon request, will furnish you with copies. Following a public comment period on the RI/FS reports, a Record of Decision (ROD) will be prepared. The ROD will define the EPA approved remedial alternative and will be based on the RI/FS. Should you be interested in implementing the remedial alternative selected by EPA, please advise EPA of your interest, in writing, within 14 days of your receipt of this letter. If EPA does not receive written notification of your interest, EPA will assume that you decline any involvement. EPA may then elect to implement such remedial alternative and bring a civil action against you to recover the costs incurred by EPA in implementing the remedial alternative.

If you are already involved in discussions with the state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue such activities as you see fit; you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. However, EPA requests that you report the status of those discussions or that action in your response to EPA. Please provide a copy of your response to any other party involved in those discussions.

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Your letter should be addressed to:

Susan E. Belaski (3HW16)  
U. S. Environmental Protection Agency  
Region III  
DELMARVA/WV/DC CRES  
841 Chestnut Building  
Philadelphia, PA 19107

If you need further information, Ms. Belaski can be reached at  
(215) 597-8240.

EPA would like to encourage good faith negotiations between you and EPA and between you and the other parties potentially responsible for the Chisman Creek site. The names of the other potentially responsible parties are set forth in the enclosed list. EPA requests that you schedule discussions with the other potentially responsible parties regarding cleanup efforts and organize yourselves into a single representative body to facilitate negotiations with EPA.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as EPA's final position on any matter set forth herein.

Due to the seriousness of the problem at this site and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

Sincerely,



Stephen R. Wassery, Director  
Hazardous Waste Management Division

Enclosure: List of Potentially Responsible Parties

cc: William F. Gilley, P.E., Director  
Division of Solid and Hazardous Waste Management  
Virginia State Department of Health

Gene Lucero  
Office of Waste Programs Enforcement  
EPA, Headquarters

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# List of Potentially Responsible Parties

The following is a list of potentially responsible parties regarding the Chisman Creek Site located in York County, Virginia.

R. L. Brandt and Sons  
P. O. Box 787  
Grafton, VA 23692

Ronald Earl Brandt  
125 Mill Lane  
Grafton, VA 23692

Robert L. Brandt, Jr.  
P. O. Box 787  
Grafton, VA 23692

William E. Brandt  
112 Gooseneck Road  
Yorktown, VA 23692

Bill J. Kaoudis, Inc.  
Builders and General Contractors  
11206 Jefferson Avenue  
Newport News, VA 23601

Ernest D. Lemonds, Sr.  
c/o Dale Lemonds  
300 Wolftrap Road  
Grafton, VA 23692

Carol Ann Reichle  
c/o Reichle, Maguire and Berrane, P.C.  
2174 George Washington Highway  
P. O. Box 787  
Grafton, VA 23692

Donald J. Reichle, Esquire  
c/o Reichle, Maguire and Berrane, P.C.  
2174 George Washington Highway  
P. O. Box 787  
Grafton, VA 23692

(Donald J. Reichle, Esquire, was issued a notice letter regarding the Estate of Robert L. Brandt, Sr.)

Sam C. Brown, Jr., Senior Vice President  
Virginia Power  
Post Office Box 26666  
Richmond, VA 23261

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